

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

MADELINE BRADSTOCK,)	
)	
Plaintiff,)	
)	
v.)	Case No. <u>CIV-12-975-L</u>
)	
STANDARD INSURANCE COMPANY,)	State Case No. CJ-2012-1031-L
INC.,)	District Court of Cleveland County
)	
Defendant.)	

NOTICE OF REMOVAL

Defendant, Standard Insurance Company (“Standard”) (incorrectly named as “Standard Insurance Company, Inc.”), removes this action from the District Court of Oklahoma County to this Court under 28 U.S.C. §§ 1332 and 1441, *et seq.*, on the following grounds:

1. On July 6, 2012, plaintiff filed a Petition in the District Court of Cleveland County, Oklahoma, captioned *Madeline Bradstock v. Standard Insurance Company, Inc.*, Case No. CJ-2012-1031 (the “State Court Action”).

2. Copies of the Summons, Petition, Plaintiff’s First Set of Interrogatories, Plaintiff’s First Document Request and Plaintiff’s First Request for Admissions were served on Insurance Commissioner John D. Doak, as designated agent for service of process on foreign insurance companies doing business in the State of Oklahoma, on August 16, 2012 in Oklahoma City, Oklahoma and received by Standard on August 20, 2012. Pursuant to 28 U.S.C. §1446, a copy of the docket sheet and a copy of all

documents served upon Standard or filed in the state court action are attached hereto as Exhibits 1 (docket sheet), 2 (petition), 3 (notice of service of process and summons), 4 (interrogatories), 5 (document request), and 6 (request for admission).

3. This action is one over which this Court has original jurisdiction under 28 U.S.C. § 1332 and which may be removed to this Court pursuant to 28 U.S.C. § 1441 because there is complete diversity of citizenship between the parties and the amount in controversy exceeds the sum of \$75,000.00 exclusive of interests and costs, as is more specifically explained and supported below.

4. Complete diversity exists because Plaintiff Madeline Bradstock is a resident of Cleveland County, Oklahoma (Petition, Ex. 2 at ¶ 1), while Standard is a corporation organized and existing under the laws of the State of Oregon with a principal place of business in Portland, Oregon. Standard is not a citizen or resident of the State of Oklahoma, nor does it have a principal place of business in Oklahoma.

5. The amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs. (Petition, Ex. 2 at 3). This Court therefore has original jurisdiction under 28 U.S.C. § 1332.

6. Removal is timely under the provisions of 28 U.S.C. § 1446, because this Notice of Removal is filed within thirty (30) days of service of the Summons and Petition on Standard.

7. This Notice of Removal is signed pursuant to Rule 11, Federal Rules of Civil Procedure.

8. Written notice of the filing of this Notice of Removal will be given promptly to counsel for Plaintiff, and a copy of the Notice of Removal will be filed with the Clerk of the District Court of Cleveland County, Oklahoma, as provided by 28 U.S.C. § 1446(d).

FOR THESE REASONS, Defendant hereby removes this case to the United States District Court for the Western District of Oklahoma.

Dated: September 5, 2012.

Respectfully submitted,

s/ Leasa M. Stewart

Leasa M. Stewart, OBA No. 18515

GABLEGOTWALS

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Standard Insurance Company

CERTIFICATE OF SERVICE

I hereby certify that on September 5, 2012, a copy of this Notice of Removal was electronically mailed for filing to the Clerk of the U. S. District Court for the Western District of Oklahoma at newcases@okwd.uscourts.gov, and that a copy was also mailed by first class U.S. mail, postage prepaid, to the following attorneys of record for the plaintiffs:

Mark S. Cooper
225 N. Peters Suite 8
Norman, Oklahoma 73069

I further certify that a copy of the Notice of Removal was also delivered for filing on the same date to the Clerk of the District Court of Cleveland County, State of Oklahoma.

s/ Leasa M. Stewart